

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 4TH AUGUST 2006 / 13TH SRAVANA 1928

Bail Appl..No. 4551 of 2006

CRIME NO. 401/2006 OF KAYAMKULAM POLICE STATION

PETITIONER/2ND ACCUSED

SAMAD, AGED 36 YEARS,
S/O.POOKUTTY, RESIDING AT SASNA MANZIL,
MALAYIL VEEDU, PUTHIYAVILA, PATTOLI MARKET,
KANDALLUR, KARTHIKAPPALLY.

BY ADV. SRI.N.SURESH

RESPONDENTS: STATE AND COMPLAINANT

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
KAYAMKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04/08/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 4551/2006

DATED THIS THE 4TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the second accused, in crime No.401/2006 of Kayamkulam Police Station. The offence alleged against him and the first accused are under Sections 409, 420 and 473 IPC read with Section 34 IPC. The allegation is that the petitioner was operating a hospital manned by the first accused, who had been arrested by the police on 10.7.2006, and he is in judicial custody. The bail application, preferred by the first accused, is pending separately, as B.A.No.4741/2006. The petitioner is before this Court, under Section 438 Cr.P.C.

2. After hearing both sides and considering the materials on record, I find that this is not a fit case to pass a pre-arrest order, under section 438 Cr.P.C.

Hence the application is dismissed.

**J.M.JAMES
JUDGE**

mrCS